



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 14 दिसम्बर, 1992/23 अग्रहायण, 1914

हिमाचल प्रदेश सरकार

राजस्व विभाग

अधिसूचना

शिमला-171002 3 नवम्बर, 1992

संख्या 10-5/75-रैव-जी, भाग-III—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश टैनेन्सी एण्ड लैण्ड रिफॉर्मज ऐक्ट, 1972 (1974 का 8) की धारा 122 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सरकार की अधिसूचना संख्या 10-5/75-रैव-ए, तारीख 3-10-1975 द्वारा जारी और तारीख 4-10-1975 को राजपत्र, हिमाचल प्रदेश में प्रकाशित हिमाचल प्रदेश टैनेन्सी एण्ड लैण्ड रिफॉर्मज रूलज, 1975 को और संशोधित करने का प्रस्ताव करते हैं और उक्त अधिनियम की धारा 123 के अधीन यथा अपेक्षित जनसाधारण की सूचना के लिए राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाते हैं और एतद्वारा सूचना दी जाती है कि इन प्रारूप-नियम के प्रकाशित किए जाने की तारीख से 30 दिन के पश्चात् राज्य सरकार द्वारा इन पर विचार किया जाएगा। यदि इन नियमों से सम्भाव्य कोई व्यक्ति इनके द्वारा में कोई आक्षेप करना या सुझाव देना चाहें, तो वे ऐसे आक्षेप या सुझाव उक्त विनिर्दिष्ट अवधि के भीतर सचिव (राजस्व), हिमाचल प्रदेश सरकार को भेजे जा सकेंगे।

उक्त विनिर्दिष्ट अवधि के भीतर इन नियम-प्रारूप के बारे में प्राप्त आक्षेप या सुझाव यदि कोई हो, पर इन नियमों को अन्तिम रूप देने से पूर्व राज्य सरकार द्वारा विचार किया जायेगा।

प्रारूप नियम

1. संक्षिप्त नाम.—इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश टैनेन्सी एण्ड लैंड रिफॉर्मज (संशोधन) नियम, 1992 है।

2. नियम 38-बी का अन्तःस्थापना.—हिमाचल प्रदेश टैनेन्सी एण्ड लैंड रिफॉर्मज रूलज, 1975 के नियम 38-ए के पश्चात् निम्नलिखित नियम अन्तःस्थापित किया जाएगा :—

“ 38-B. Procedure of vestment of land buildings in the State Government:—

- (1) Where the Registrar or the Sub-Registrar, appointed under the Registration Act, 1908 (16 of 1908) before whom any document pertaining to a transfer of land is presented for registration, has reason to believe that the transfer of land is in contravention of the provisions of sub-section (1) of section 118 of the Act or when it comes to the notice of a Revenue Officer either on an application made to him or, on receipt of any information from any source or from field revenue functionaries, or on his Knowledge that any land has been transferred in contravention of the provisions of sub-section (1) of section 118 of the Act, such Registrar, or Sub-Registrar or the Revenue Officer, as the case may be, shall make reference to the Collector of the District in which the land or any part thereof is situated and the Collector, on receipt of such reference or information of Knowledge shall hold any enquiry and afford, a reasonable opportunity of being heard to the affected parties. The Collector shall, within a period of 90 days from the date of receipt of reference made to him or otherwise, pass an order as he may deem fit and he shall communicate his order to the Registrar, Sub-Registrar or Revenue Officer, as the case may be.
- (2) If a non-agriculturist in whose case permission to purchase land has been granted by the State Government contravenes the provisions of second proviso to clause(1) of sub-section (2) of section 118 of the Act, the Collector of the District in which the land or any part thereof is situated, on receipt of a reference or information from any source or of his own knowledge, shall hold any enquiry and after affording a reasonable opportunity of being heard to the affected parties, he shall within 90 days from the date of reference made to him or otherwise, pass an order as he may deem fit and he shall communicate his order to the Revenue Officer concerned.
- (3) Any person aggrieved by the order of the Collector, passed under sub-rule (1) or sub-rule (2) may, within a period of 30 days from the date on which the order is made by the Collector, file an appeal to the Divisional Commissioner to whom the Collector, who passed an order under sub-rule (1) or sub-rule (2), is subordinate, and the Divisional Commissioner may, after giving the parties an opportunity of being heard and if necessary after sending for the records of the case from the Collector, pass on such appeal such orders as he may think fit.
- (4) The Financial Commissioner may, at any time, either on an application made to him or on his own motion, call for the records of any proceedings which are pending before or disposed of by any Revenue Officer subordinate to him under sub-rule (1) or sub-rule (2) for the purpose of satisfying himself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto as he may deem fit:

Provided that he shall not pass any order without giving an opportunity of being heard to the affected parties by such an order.

- (5) Where the Collector of the District has passed an order under sub-rule (1) or sub-rule (2) in which no appeal has been made within the prescribed period, or the

Divisional Commissioner in appeal under sub-rule (3), or the Financial Commissioner in revision under sub-rule (4), decides that the transfer of land is in contravention of the provisions of sub-section (1) or it violates the conditions stipulated in the second proviso to clause (i) of sub-section (2) of section 118 of the Act, as the case may be, such land together with structures, buildings or other attachments, if any, shall vest in the State Government free from all encumbrances and the possession of the land so vested shall be taken over by the Tehsil Revenue Officer within a period of one month from the date of order."

आदेश द्वारा,
श्री 0 पी 0 यादव,
वित्तियुक्त एवं सचिव ।

[Authoritative English text of Government notification No. 10-5/75-Vol-III.REV. B. dated 3rd November, 1992 as required under Clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

NOTIFICATION

Shimla-2, the 3rd November, 1992

No.Rev. 10-5/75-Vol-III.Rev.B.—In exercise of the powers conferred on him under section 122 of the Himachal Pradesh Tenancy and Land Reform Act, 1972 (Act No. 8 of 1974), the Governor of Himachal Pradesh proposes to make the following rules further to amend the Himachal Pradesh Tenancy and Land Reforms Rules, 1975, which were issued *vide* Government Notification No.10-5/73-Rev-A, dated 3-10-1975 and published in the Rajpatra, Himachal Pradesh on 4-10-1975 and the same are hereby published for the general information of the public in the Rajpatra Himachal Pradesh as required under section 123 of the said Act and a notice is hereby given that the said draft rules will be taken into consideration by the State Government after 30 days from the date of publication of the draft rules.

If any person likely to be affected by these rules has any objection or suggestion to make in respect of these rules he can send the same to the Secretary (Revenue) to the Government of Himachal Pradesh within the above stipulated period.

Objections or suggestions if any received, in respect of these draft rules within the above stipulated period, shall duly be considered by the Government before finalising these rules, namely :—

DRAFT RULES

1. **Short title.**—These rules may be called the Himachal Pradesh Tenancy and Land Reforms (Amendment) Rules, 1992.

2. **Insertion of rule 38-B.**—After rule 38-A of the Himachal Pradesh Tenancy and Land Reforms Rules, 1975 the following rule shall be inserted, namely :—

“ **38-B. Procedure of vestment of land/buildings in the State Government:—**

- (1) Where the Registrar or the Sub-Registrar, appointed under the Registration Act, 1908 (16 of 1908) before whom any document pertaining to a transfer of land is presented for registration, has reason to believe that the transfer of land is in contravention of the provisions of sub-section (1) of section 118 of the Act or when it comes to the notice of a Revenue Officer either on an application made to him or, on receipt of any information from any source or from field revenue functionaries, or on his knowledge that any land has been transferred in contravention of the provisions of sub-section (1) of section 118 of the Act, such Registrar, or Sub-Registrar, or the Revenue Officer, as the case may be, shall make reference

to the Collector of the District in which the land or any part thereof is situated and the Collector, on receipt of such reference or information or Knowledge shall hold any enquiry and afford, a reasonable opportunity of being heard to the affected parties. The Collector shall, within a period of 90 days from the date of receipt of reference made to him or otherwise, pass an order as he may deem fit, and he shall communicate his order to the Registrar, Sub-Registrar or Revenue Officer, as the case may be.

- (2) If a non-agriculturist in whose case permission to purchase land has been granted by the State Government contravenes the provisions of second proviso to clause (i) of sub-section (2) of section 118 of the Act, Collector of the District in which the land or any part thereof is situated, on receipt of a reference or information from any source or of his own knowledge, shall hold an enquiry and after affording a reasonable opportunity of being heard to the affected parties, he shall within 90 days from the date of reference made to him or otherwise, pass an order as he may deem fit and he shall communicate his order to the Revenue Officer concerned.
- (3) Any person aggrieved by the order of the Collector, passed under sub-rule (1) or sub-rule (2) may, within a period of 30 days from the date on which the order is made by the Collector, file an appeal to the Divisional Commissioner to whom the Collector, who passed an order under sub-rule (1) or sub-rule (2), is subordinate, and the Divisional Commissioner may, after giving the parties an opportunity of being heard and if necessary after sending for the records of the case from the Collector, pass on such appeal such orders as he may think fit:
- (4) The Financial Commissioner may, at any time, either on an application made to him or on his own motion, call for the records of any proceedings which are pending before or disposed of by any Revenue Officer subordinate to him under sub-rule (1) or sub-rule (2) for the purpose of satisfying himself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto as he may deem fit :

Provided that he shall not pass any order without giving an opportunity of being heard to the affected parties by such an order.

- (5) Where the collector of the District has passed an order under sub-rule (1) or sub-rule (2) in which no appeal has been made within the prescribed period, or the Divisional Commissioner in appeal under sub-rule (3), or the Financial Commissioner in revision under sub-rule (4), decides that the transfer of land is in contravention of the provisions of sub-section (1) or it violates the conditions stipulated in the second proviso to clause (i) of sub-section (2) of section 118 of the Act, as the case may be, such land together with structures, buildings or other attachments, if any, shall vest in the State Government free from all encumbrances and the possession of the land so vested shall be taken over by the Tehsil Revenue Officer within a period of one month from the date of order.

By order,

O. P. YADAV,
Financial Commissioner-cum-Secretary.